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MEMO NDORS

JOHN T. SERIO

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So Ordered.Cathy Seibel
Cathy Seibel, U.S.D.J.Dated: 12/12/11

December 12, 2012

By FacsimileHonorable Cathy Seibel
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/13/2011Re: Nance M. Hutter v. Countrywide Bank, N.A. et al.,
Case #: 09 CV 10092 (CS) (LMS)

Dear Judge Seibel:

I write this letter on behalf of Watermark, Inc., a named defendant in the above captioned matter. I must first inform Your Honor that as of the writing of this letter, I am not the Attorney of record for Watermark.

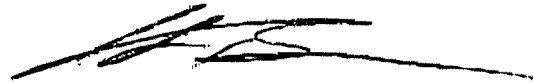
Currently, Mr. Scott Todd Ackerman is the attorney of record for defendant Watermark, and apparently for defendant Evolution. I have had several conversations with the principal for Watermark who had informed me that Mr. Ackerman was to provide a response to the Third Amended Complaint which is due to be filed by today, December 12, 2011, and further, that Mr. Ackerman was ultimately to make application to the Court to be relieved as counsel for Watermark. This morning, I placed a phone call to Mr. Ackerman's office at the Law firm of Sackstein Sackstein and Lee, LLP, by whom he is employed. I was informed that Mr. Ackerman was no longer employed there and no new contact information was available. I thereafter had a conversation with Mr. Kenneth Rudd, Esq., attorney for Bank of America who also confirmed that he could no longer contact Mr. Ackerman. In addition, Mr. Rudd also confirmed that Mr. Ackerman had informed the Court that it was his intention to seek your Honors permission to withdraw as counsel for Watermark. Surprisingly, it was during this conversation that it was learned by me, and ultimately Watermark, that no such application has been made and, of greater significance, no form of responsive papers has been filed on behalf of Watermark in response to the plaintiff's TAC. Through no fault of their own, Watermark is now on the brink of default.

Based upon the foregoing, on behalf of Watermark, it is respectfully requested that defendant Watermark's time to answer or otherwise respond to plaintiffs' TAC be extended for three weeks until January 3, 2012. Such an extension should provide defendant Watermark ample opportunity to retain new counsel and further, file an answer or otherwise respond to the TAC. To further support this

application, my office has recently been retained by Watermark to represent them in a State Court matter pending in Westchester Supreme Court concerning similar allegations set forth by the plaintiff herein, Nance M. Hutter. Accordingly, I am somewhat familiar with the issues present in the action before Your Honor and fully expect that we will be retained to appear in the action before this Honorable Court.

Thank you for your courtesy and consideration in this matter.

Respectfully submitted



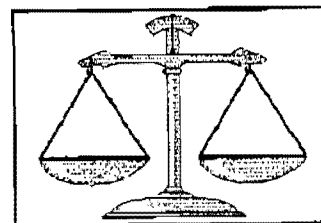
John T. Serio
On behalf of Watermark, Inc.

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NO. OF PAGES: 2
(including cover page)

TO: HONORABLE CATHY SEIBEL USDC - Southern District
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Att: HONORABLE CATHY SEIBEL
FROM: John T. Serio, Esq
DATE: December 12, 2011
RE: Hutter v. Countrywide Bank N.A. et al. - Docket # 09 CV 10092
MEMO: Application for Extension of Time

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